

29.
16-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 1588 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Dalkhola Police Station Case No.151 of 2022 dated 14-05-2022 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Md. Sanjar Alam

.... Petitioner.

Mr. Amit Roy

... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Purnima Ghosh

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Copies of the depositions of the witnesses examined so far, are taken on record.

2. Learned advocate for the petitioner submits that the petitioner is in custody for about 941 days and there is no chance of an early conclusion of the trial. Most of the prosecution witnesses have turned hostile. The petitioner may be granted bail on any condition.

3. Learned advocate for the State opposes the prayer for bail. However, in his usual fairness, he submits that there are several prosecution witnesses who have turned hostile. The independent seizure witnesses have also turned hostile.

The police witnesses have also failed to identify the present petitioner.

4. In view of the above state of affairs and also considering the material on record, we are satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the offence that he is charged with. Further, there is no material on record that would indicate that the petitioner, if enlarged on bail, is likely to commit any offence.

5. In any event, the petitioner is in custody for a very long period of time. On the touchstone of Article 21 of the Constitution of India also, we are inclined to allow his prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Md. Sanjar Alam**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court, NDPS Act, Raiganj, Uttar Dinajpur. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a week, until further orders.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)